

### **REMARKS**

Claims 2-12 stand rejected under 35 U.S.C. § 103 as being unpatentable over Mohaban in view of Wiegel. Applicants have amended independent claims 5, 6, and 9-12 to define, even more clearly, a monitoring policy changing means or method for automatically changing a current monitoring according to a monitoring result, where the monitoring policy changing means or method automatically increases the frequency of the monitoring and adds a new object or item to the coverage of the monitoring when degradation in service level of the network is observed (independent claims 5, 9, and 10 as amended), or automatically decreases the frequency of the monitoring and withdraws an existing object or item from the coverage of the monitoring when improvement in service level of the network is observed (independent claims 6, 11, and 12). As applied to the claims as amended, Applicants respectfully traverse this rejection because neither reference, alone or in combination, discloses or suggests at least this feature.

As defined in claims 2-12, a network is monitored, and monitoring policy is automatically changed according to a monitoring result. In amended independent claims 5, 9, and 10, the monitoring result causing this automatic change is an observed degradation in service level of the network, and the change includes increasing frequency of monitoring and adding a new object or item to coverage of the monitoring. In amended independent claims 6, 11, and 12, the monitoring result is an observed improvement in service level of the network, and the automatic change includes decreasing frequency of monitoring and withdrawing an existing object or item from coverage of the monitoring. In this way, a

monitoring policy is automatically changed based on a monitoring result, without requiring, manual (e.g., user) intervention.

Applicants respectfully submit that neither Mohaban nor Wiegel teach or suggest at least these features. The Examiner recognizes that Mohaban does not disclose the claimed monitoring policy changing features, but cites column 23, lines 11-21, and column 24, lines 26-43 of Wiegel. The cited portions of Wiegel disclose that a popup menu is added when a condition symbol is first added to a policy (column 23, lines 11-21), and that the symbol may be a time range symbol 404, in which a dialog 830 enables the user to associate a particular range of hours on a particular day with the symbol (column 24, lines 26-43). Wiegel also teaches that the time range dialog 830 enables a range of time to be specified for particular hours or days to establish policy conditions (column 24, lines 44-52).

However, these symbols are part of a graphically-based system that allows, and requires, a user to change a particular policy. The user interface of Wiegel “provides an automated, graphical mechanism by which a human user, such as a network administrator, can establish network security policies” (emphasis added) (column 14, lines 3-5). Policy settings and changes in Wiegel are conducted during an editing session in which an administrator works with the graphical user interface (column 14, lines 20-22).

For example, to use the symbols disclosed in the cited sections of Wiegel (column 23, lines 12-16), “The user must press an okay button in order for a new symbol to be accepted as part of the policy”. As stated in column 24, line 26, the time range symbol 404 is also manually added by a user.

The purpose of the system in Wiegel is not to automatically change a monitoring policy, but to provide an easier interface for a user to manually change a monitoring policy. Thus, Wiegel does not disclose or suggest a computer program or method that automatically changes a monitoring policy according to a monitoring result, and further fails to teach or suggest automatically increasing frequency of monitoring and adding a new object or item when degradation in service level of the network is observed, or automatically decreasing frequency of monitoring and withdrawing an existing object or item from coverage of monitoring when an improvement of service level of the network is observed.

By contrast, the inventions defined in claims 2-12, as even more clearly set out in the amended claims, allow automatic changing of the frequency of monitoring or adding or withdrawing particular items or objects as a result of (“when”) degradation or improvement in network service levels is observed. This solves a problem that Wiegel is not designed to solve. The advantages provided by such a method would not be realized by the systems in either reference Mohaban or Wiegel.

The Examiner alleges in paragraph 3 of the August 9, 2006 Office Action, and repeats (verbatim) in the Advisory Action:

Wiegel discloses changing the time interval to monitor devices and add a new symbol (object) for the device (col. 23, lines 11-21 and col. 24, lines 26-43). Therefore, Wiegel discloses wherein the monitoring policy changing means increase the frequency of monitoring and adds a new object or item to the coverage of the monitoring, when degradation in service level of the network is observed.

This is incorrect for at least the reasons stated above, which address all of these portions of Weigel. Again, the new condition symbol is not automatically added (column 23, lines 11-21) when degradation in service level of the network is observed, but only when a user presses an okay button. This cannot be done automatically in Wiegel. Similarly, the time range dialog 830 must be manually manipulated (e.g., see column 24, lines 35-37: “the dialog 830 enables the user to associate a particular range of hours on a particular day with the new time range symbol 404” (emphasis added)).

The Office Action further submits that the claim language “does not equate to” increasing or decreasing the frequency of automatic monitoring. However, independent claims 5, 9, and 11 clearly define, among other things, monitoring means for monitoring the network according to the policies set in the monitoring policy setting means. Thus, the monitoring clearly is automatically performed according to the set monitoring policy (which, again, can be automatically changed according to the claims). Claims 10 and 12 define, among other things, that a network is monitored according to a policy set. Such monitoring would be clearly understood to be automatic monitoring.

For at least these reasons, Applicants respectfully submit that amended independent claims 5, 6, and 9-12, and dependent claims 2-4, and 7-8, are allowable over the references of record, including Mohaban and Wiegel. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

For at least the foregoing reasons, Applicants believe that this case is in condition for allowance, which is respectfully requested. The Examiner should call Applicants' attorney if an interview would expedite prosecution.

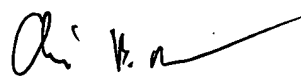
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